IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLN.NO.198 OF 2007

M/s.Mandhana Textiles and Ors. ..Applicants
Vs.
The Shamrao Vitthal Co.Op
Bank Ltd. & Anr. ..Respondents

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Mr.Kuldeep Boarade with Shanshak Boarade Advocate for Applicants
Ms.S.V.Gajare, A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : FEBRUARY 23, 2007

P.C.

1. Heard the learned advocate for the applicants and the learned A.P.P. for the State.

2. The applicants are seeking quashing of process issued by the learned M.M. in C.C.No.775/SS/2005 pending before the learned Special Metropolitan Magistrate, Small Causes Court, Mumbai. In the said case, the process is issued under Sections 138 and 131 of Negotiable Instruments Act.

3. However, for the reasons recorded in the order passed by this Court in the case of **V.K.Jain Vs. P.V.Padode; 2005(3) Mh.L.J.778,** I am of the opinion that the applicants have an efficacious

remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicants prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicants to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the applicants makes a statement that the necessary revision will be preferred within four weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of four weeks.

5. On the necessary revision being preferred by the applicants before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Application is disposed of.

[V.K.TAHILRAMANI,J.]